

§ 3241.6

43 CFR Ch. II (10–1–97 Edition)

to the United States shall continue as if no such transfer had been filed for approval.

(b) Upon approval, the transferee and his/her surety shall be responsible for the performance of all lease obligations notwithstanding any terms in the transfer to the contrary.

(c) When a transfer of operating rights (sublease) is approved, the sublessee is responsible for all obligations under the lease rights transferred to the sublessee.

[53 FR 17371, May 16, 1988]

**§ 3241.6 Production payments.**

If payments out of production are reserved, a statement must be submitted stating the details as to the amount, method of payment, and other pertinent items.

**§ 3241.7 Overriding royalty interests.**

**§ 3241.7–1 General.**

(a) Overriding royalty interests in geothermal leases constitute accountable acreage holdings under these regulations.

(b) If an overriding royalty interest is created which is not shown in the instrument of transfer, a statement shall be filed in the proper BLM office describing the interest.

(c) All transfers of overriding royalty interests shall be filed for record in the proper BLM office within 90 days from the date of execution. Such interests shall not receive formal approval.

[38 FR 35097, Dec. 21, 1973, as amended at 48 FR 24369, June 1, 1983; 53 FR 17371, May 16, 1988]

**§ 3241.7–2 Limitation of overriding royalties.**

(a) Except as herein provided, an overriding royalty on the value of the output of all geothermal resources, or any of them, at the point of shipment to market may be created by assignment or otherwise: *Provided*, That, (1) the overriding royalty is not for less than one-fourth (1/4) of 1 percent of the value of such output, and does not exceed 50 percent of the rate of royalty due to the United States as specified in the geothermal lease, or as reduced pursuant to such lease, and (2) the overriding royalty, when added to over-

riding royalties previously created, does not exceed the maximum rate established herein.

(b) The creation of an overriding royalty interest that does not conform to the requirements of paragraph (a) of this section shall be deemed a violation of the lease terms, unless the agreement creating overriding royalties provides (1) for a prorated reduction of all overriding royalties so that the aggregate rate of royalties does not exceed the maximum rate established in paragraph (a) of this section and (2) for the suspension of an overriding royalty during any period when the royalties due to the United States have been suspended pursuant to the terms of the geothermal lease.

**§ 3241.8 Lease account status.**

Unless the lease account is in good standing as to the area covered by a transfer at the time the transfer is filed, or is placed in good standing before the transfer is acted upon, the request for approval of the transfer shall be denied.

[53 FR 17371, May 16, 1988]

**§ 3241.9 Effect of transfer.**

A transfer of record title of the complete interest in a portion of the lands in a lease shall segregate the transferred and retained portions of the lease into separate and distinct leases. A transfer of an undivided record title interest in the entire leasehold or a transfer of operating rights (sublease) shall not segregate the lease into separate or distinct leases.

[53 FR 17371, May 16, 1988]

**Subpart 3242—Production and Use of Byproducts**

**§ 3242.1 General.**

Where the authorized officer determines that production, use, or conversion of geothermal steam under a geothermal lease is susceptible of producing a valuable byproduct or byproducts, including commercially demineralized water contained in or derived from such geothermal steam for beneficial use in accordance with